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7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **AT SAN FRANCISCO**

9 AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
10 et al.,

11 Plaintiffs,

12 v.

13 UNITED STATES OFFICE OF  
PERSONNEL MANAGEMENT, et al.,  
14

15 Defendants.

NO. 3:25-cv-01780-WHA

DECLARATION OF CAROLINE  
MELLOR

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DECLARATION OF CAROLINE MELLOR  
NO. 3:25-cv-01780-WHA

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Caroline Mellor, declare as follows:

2 1. I am over the age of 18, competent to testify as to the matters herein, and make  
3 this declaration based on my personal knowledge.

4 2. The Washington Department of Ecology is an administrative agency tasked with  
5 implementing and enforcing environmental laws and regulations in the state of Washington, as  
6 well as managing Washington's water resources. Ecology's water resources management  
7 includes administering Washington's system of water rights and issuing and responding to  
8 declarations of drought in the state. The federal government is a close partner with the state in  
9 addressing drought conditions. My declaration focuses primarily on Ecology's reliance on the  
10 Natural Resources Conservation Service (NRCS), but our agency also interfaces regularly with  
11 the National Oceanic Atmospheric Administration's (NOAA) NW River Forecast Center,  
12 National Integrated Drought Information System and National Weather Service, the U.S.  
13 Geologic Survey (USGS)'s Washington Water Science Center, and the U.S. Bureau of  
14 Reclamation (USBR).

15 3. I am Ecology's Statewide Drought Lead. My duties include leading Ecology's  
16 drought declaration process, chairing the state's Water Supply Availability Committee,  
17 providing staff recommendations on drought policy, and coordinating with a range of technical  
18 experts. Prior to working for Ecology, I worked on drought issues in previous consulting  
19 positions.

20 4. Washington's process for declaring drought is a multi-step process involving  
21 multiple committees, seven state agencies impacted by water supplies, and technical experts. A  
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1 state drought declaration triggers multiple types of drought relief that support the ability of  
2 agricultural, municipal, and other water users to respond to and address drought impacts.

3 5. While water management is generally within the province of states, most water  
4 supply data is managed by federal agencies to efficiently serve water managers and data users.  
5 Washington's state drought management system has relied on federal sources of water supply  
6 data ever since the Washington Legislature established the drought statute in 1989. Washington's  
7 drought declaration process is thus dependent on the availability and accuracy of snowpack and  
8 precipitation data.

9 6. The federal NRCS, formerly known as the Soil Conservation Service, is an  
10 agency within the United States Department of Agriculture. As indicated by its agency website  
11 ([www.nrcs.gov](http://www.nrcs.gov)), it was created by an act of Congress in 1935 (Public Law 74-45) in response to  
12 Dust Bowl-era soil loss on American farms. As further indicated on the agency's website, the  
13 agency was given its current name by Congress in 1994 to reflect a broadened scope that includes  
14 monitoring and assessing the nation's natural resource base. NRCS operates the SNOTEL (snow  
15 telemetry) network of 900 sites to measure snowpack as Snow Water Equivalent, with  
16 approximately 130 sites in Washington state, and produces forecasts for 600 water supply points  
17 across Western states.

18 7. Data from the NRCS's Snow Survey and Water Supply Forecasting Program's  
19 Oregon Office is essential to Ecology's work to declare drought and forecast water supply for  
20 the critical April–September period. It is the sole source of snowpack data to provide drought  
21 warning to water users (including agricultural, municipal, industry, and environmental sectors)  
22 and to inform planning for immediate and long-term drought impacts.

1           8.       While there are multiple factors in determining water supply, snowpack data is a  
2 critical element. Water supply is dependent on winter snowpack in most Washington basins.  
3 Low snowpack from a warm winter impacts the timing and quantity of water in streams and  
4 rivers for farms, fish, and people, including domestic drinking water. Snowpack peak occurs on  
5 April 1 and by late winter, snowpack measurements are necessary to forecast the April–  
6 September water supply. In low snowpack years, water can dry up significantly earlier or dry up  
7 in areas that typically would not. Exacerbating the situation, water supply infrastructure is  
8 designed for precipitation and temperature patterns that are no longer reliable. This makes  
9 drought relief even more essential to agriculture, industries, and other water users.

10          9.       Washington’s snowpack-dependent basins include the North, Central, and South  
11 Cascade Mountains that represent the North, Central, and South Puget Sound; Olympic; Upper  
12 and Lower Yakima; Naches; Klickitat; Lower Pend Oreille; Spokane; Lower Snake-Walla  
13 Walla; and Upper, Central, and Lower Columbia Basins. These represent the majority of river  
14 basins in the state.

15          10.      The Upper and Lower Yakima and Naches Basins are heavily reliant on irrigation  
16 and depend on snowpack to fill the USBR reservoirs. Even with these reservoirs, the Yakima  
17 area is anticipating a third year of drought in 2025 with reservoir storage levels at approximately  
18 37% of normal for this time of year.

19          11.      The Upper and Lower Yakima and Naches Basins produce high-value  
20 agricultural commodities. According to a Washington Department of Agriculture report, *A*  
21 *reliable water supply is critical for the Yakima Basin economy*, AGR PUB 102-174 (N/8/23),  
22 these commodities have a total value of \$3.65 billion, including 75% of the nation’s hop  
23

1 production (\$303 million annual revenue) and a significant share of the nation's apples (\$1.34  
2 billion annual revenue), cherries (\$180 million annual revenue), wine grapes (\$103 million  
3 annual revenue), and hay (\$82 million annual revenue).

4 12. Because NRCS data is the only source of snowpack measurements available  
5 (including real time, and trend data), Ecology staff, including myself, source and discuss data  
6 from NRCS websites daily. NRCS staff technical analyses and reports greatly support Ecology's  
7 drought declaration process at multiple stages, policy work, and drought relief implementation.  
8 NRCS staff sit on the state's Water Supply Availability Committee, which is part of the state  
9 drought declaration process, and provide essential analysis of data.

10 13. Without NRCS data, Washington cannot fulfill its statutory obligations to declare  
11 drought based on water supply and subsequently provide drought relief. Failing this obligation  
12 would have major impacts to agriculture, municipal, and other water users. Water rights in  
13 Washington are based on a seniority system. In a drought year, more-junior water right holders  
14 are likely to have their water right curtailed or even cut off entirely, which can be catastrophic  
15 to growers with a substantial investment in perennial crops such as apples and wine grapes. The  
16 early planning facilitated by snowpack data is thus essential to effective drought response.

17 14. For instance, irrigation districts in Yakima decided in February 2025 to lease  
18 water ahead of drought conditions this summer and early fall. Without Ecology's drought  
19 declaration based on snowpack data, they legally would not have been able to take this action.

20 15. Washington's historic drought in 2015 was a snowpack drought that is estimated  
21 to have caused between \$633 to \$773 million in economic loss according to a Washington  
22 Department of Agriculture report. Washington Dep't of Agriculture, *Interim Report: 2015*  
23

1 *Drought and Agriculture*, AGR PUB 104-495 (Dec. 2015). And drought in Washington is a  
2 current and ongoing issue. The state is likely entering its third year under a Drought Emergency  
3 Declaration, after drought declarations in 2023 and 2024. Ecology anticipates extending that  
4 declaration for portions of the state in early April due to low snowpack in some basins and low  
5 USBR reservoir storage in the Yakima Project system. USBR water allocation in the Yakima  
6 Basins is dependent on snowpack data from NRCS and started off the year with the third lowest  
7 storage level since 1971, after back-to-back droughts driven by low snowpack.

8       16. I became aware that NRCS had fired staff at the NRCS Snow Survey and Water  
9 Supply Forecasting Program Oregon Office that serves Oregon and Washington on February 18,  
10 2025. The three terminated positions at NRCS include a senior position and field positions. I  
11 also understand NRCS had made an offer for a Washington Water Supply Specialist position  
12 that would serve Washington-specific work, but this offer was revoked. An offer was also  
13 revoked from a lead field position.

14       17. Following the above terminations and revocations, the NRCS Office now has  
15 only five out of twelve positions filled. At the prior level of eight staff positions filled, NRCS  
16 was already concerned about completing base-level work in preparing accurate regional  
17 snowpack data.

18       18. The terminated field positions are essential to the existence of snowpack data.  
19 Those staff worked on maintenance across Washington and Oregon SNOTEL sites (stations that  
20 measure snowpack). These sites are structured to have yearly maintenance (for instance, to  
21 replenish anti-freeze). Without this critical maintenance, NRCS will not have snowpack or  
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1 precipitation data in coming months. For any sites that do remain, NRCS cannot ensure the data  
2 accuracy, consistency, or quality of the data.

3 19. Due to these firings, I would expect NRCS water supply forecasts to either  
4 become unreliable, inaccurate, or to cease to exist.

5 20. I am significantly concerned about the complete loss of snowpack and NRCS  
6 precipitation data. Without adequate staffing at NRCS, I expect a large portion or all snowpack  
7 measuring sites to be lost entirely. Ecology and the State of Washington will no longer be able  
8 to adequately serve irrigation districts, utilities, and other water managers related to water supply  
9 management, drought relief, water supply forecast, and long-term period of record data. Public  
10 health and public safety are likely to be impacted.

11 21. This data cannot be replaced by other sources. Remote sensing of snowpack is  
12 not a replacement for on-the-ground data that includes the water content of snowpack. Remote  
13 sensing data can only serve as supplemental data for the state's work. And data provided by  
14 USGS streamflow gauges only provide a snapshot of real-time streamflow, which does not  
15 provide the information needed to determinate and evaluate the magnitude and timing of drought  
16 conditions.

17 22. Further, data tools from other agencies (including USBR) also use NRCS  
18 snowpack data. Their decision-making is thus also dependent upon NRCS data. From regular  
19 coordination and as indicated on NOAA websites, I am aware that NOAA's Northwest River  
20 Forecast Center uses NRCS data in their water supply forecasts. Therefore, without NRCS data,  
21 other sources of water supply forecasts would be compromised in their ability to reflect  
22 snowpack impacts in water supply forecasts and could not serve as a replacement.

23. Simply relying on data from fewer monitoring stations is also not reliable. Having data from multiple snowpack measurement sites in each basin is essential. Water supply is impacted differently by snowpack and melt rates at low, mid, and high elevations. Data from different elevations provide important information on the timing of water availability and serve different water users. Therefore, water management would be determinately impacted from a smaller number of scattered snowpack measurement sites.

24. Based upon my professional experience and personal knowledge, I expect that a loss of this data will impact other types of hazard management, including flood management and prediction, wildfire assessments, landslide risk assessments, and avalanche forecasts. Washington needs to have available and accurate data on snowpack because snowpack levels can create risks of avalanches, and floods, impact landslides and determines reservoir levels available not just for agricultural needs, but to prepare for hazards like forest fires. Without available and accurate data, Washington's ability to warn its citizens of safety risks and to fight forest fires will be compromised.

25. The Department of Ecology and the State of Washington have been harmed by the firings of NRCS employees, as explained herein.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

DATED and SIGNED this 6th day of March 2025 at Olympia, Washington.



CAROLINE MELLOR  
Statewide Drought Lead